

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

SEP 20 2021 *CS*

MITCHELL R. ELFERS
CLERK OF COURT

9:55 AM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 21-878 KG

JOHN BENJAMIN THORNTON,

Defendant.

ORDER CONTINUING TRIAL

THIS MATTER is before the Court on Defendant John Benjamin Thornton's oral motion to continue the current trial setting of September 22, 2021. On September 14, 2021, a superseding indictment was filed in this case. Doc. 43. On September 16, 2021, this Court held a status conference in this case. Doc. 45. Because the superseding indictment adds additional counts and charges against Mr. Thornton, his counsel requested a continuance of the current trial setting, and the Government does not oppose that request. Moreover, pursuant to 18 U.S.C. § 3161(c)(2), the trial of a defendant should not commence within thirty days of a new indictment. Here, defense counsel has requested at least a thirty-day continuance. According to defense counsel, additional time is needed to research the charges and plan a defense. Defense counsel did not object to moving this case to the Court's December trial docket. The United States agreed with this request.

Accordingly, for the reasons laid out above, as well as the reasons articulated at the status conference, the Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(A), that the ends of justice will be served by granting a continuance of the trial date. The Court will reset this case for trial

either the last week of November or sometime in early December. A new scheduling order regarding new trial dates and pretrial deadlines will be entered at a later time.

IT IS THEREFORE ORDERED that defense counsel's oral motion to continue trial is GRANTED.

MOREOVER, IT IS ADDITIONALLY ORDERED that the current trial setting of September 22, 2021, and the accompanying deadlines associated with that date, are hereby VACATED.


UNITED STATES DISTRICT JUDGE